

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

v.

TYSON FOODS, INC., et al.

Defendants.

Case No: 05-CV-0329-GKF-SAJ

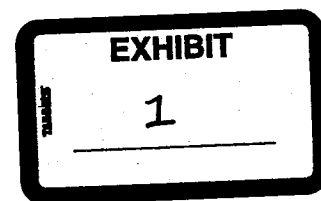
AFFIDAVIT OF SCOTT A. WELLS, Ph.D.

I, Scott A. Wells, Ph.D., of lawful age, being duly sworn upon oath, state:

1. I am a Professor in Department of Civil and Environmental Engineering at Portland State University. I have a Ph.D. from Cornell University in Civil and Environmental Engineering. My research areas are in modeling of environmental fluid mechanics, with an emphasis on surface water quality and hydrodynamics and solid-liquid separation processes.

2. I have been retained by the Oklahoma Attorney General as an expert witness for the Plaintiff, State of Oklahoma ("State") in the above-captioned litigation. In particular, I have been asked prepare an expert report containing my opinions and summarizing my modeling work conducted on behalf of the State. Per the Court's Scheduling Order, my expert report is due to be submitted to the Defendants by May 15, 2008.

3. Unfortunately, due to unforeseeable circumstances beyond my control, my modeling work has been delayed, and it will not be possible for me to complete my report



by May 15. I will need at least an additional two weeks, or fourteen (14) days, to complete my report.

4. The computer simulation model of Tenkiller Reservoir takes from 4-7 days to run a 50 year simulation of the impacts of phosphorus from the watershed. After running the model, it takes from 2-5 days to analyze the results of a each simulation. Several of the model runs were affected by 2 power outages in Portland, Oregon that caused the model runs to stop. The power outages were a result of electrical power tests done by Portland General Electric, the local electrical company. These model simulations subsequently had to be re-started. Taking into account the time required to run the model and to process the model results of several runs, these power outages resulted in a delay of two weeks.

FURTHER AFFIANT SAYETH NOT.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed on the 12th day of May, 2008.



Digitally signed by Scott Wells
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email=drswells@comcast.net,
c=US
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Scott A. Wells, PhD.